

OREGON STATE BAR

Board of Governors Agenda

Meeting Date: June 21, 2019
From: Amber Hollister, General Counsel
Re: CSF Claim No. 2019-20 Deveny (Wilson)

Action Requested

Consider Client Security Fund Committee's recommendation that the board grant claimant Ross Wilson's claim of \$15,667.00 in the matter of CSF Claim No. 2019-04 Deveny (Wilson).

Discussion

Claimant Wilson hired Ms. Deveny to represent her in obtaining damages for injuries sustained in an August 2015 motor vehicle accident. He agreed to a contingent fee agreement, in which Ms. Deveny was to receive one-third of the settlement.

In October 2016, Ms. Deveny settled the case for \$23,500 with Safeco Insurance, without Mr. Wilson's knowledge or consent. Ms. Deveny agreed to settle a medical provider's lien with the proceeds, but never did so. In August 2018, Ms. Deveny told Mr. Wilson his case had been settled for \$20,000, but he never received any proceeds.

Ms. Deveny resigned Form B, effective July 26, 2018, while numerous disciplinary cases were pending. In 2018, Mr. Wilson was under the impression his case was still pending until the Portland Police Department contacted him about Ms. Deveny's alleged theft.

At its May 11, 2019 meeting, the Client Security Fund Committee reviewed Mr. Wilson's claim and unanimously voted to recommend that the Board reimburse him for \$15,667.00 of his loss. Mr. Wilson's claim would not ordinarily be eligible for reimbursement at this time, pursuant to CSF Rule 2.1.6, because Ms. Deveny has not been found guilty of a crime and Mr. Wilson has not obtained a civil judgment against her. The Committee, however, voted to waive the requirement of CSF Rule 2.1.6 based on extreme hardship under CSF Rule 2.6, based upon her circumstances and the available evidence.

Staff recommends that the board approve the claim, consistent with the CSF Committee's recommendation.